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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MARKELL SMITH

Criminal No. **20-346**
(18 U.S.C. §§ 875(b), 875(d), 2251(a) and
2251(e), 2252(a)(2) and (b)(1), and
2252(a)(4)(B) and (b)(2))

INDICTMENT

COUNT ONE

The grand jury charges:

On or about May 31, 2018, in the Western District of Pennsylvania and elsewhere, the defendant, MARKELL SMITH, knowingly transmitted in interstate and foreign commerce, a communication containing a threat to injure the person, property, and reputation of Minor 1, a minor female known to the grand jury, and her family, with intent to extort from Minor 1 any thing of value.

In violation of Title 18, United States Code, Sections 875(b) and 875(d).

FILED

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WEST. DIST. OF PENNSYLVANIA

COUNT TWO

The grand jury further charges:

On or about May 31, 2018, in the Western District of Pennsylvania and elsewhere, the defendant, MARKELL SMITH, knowingly attempted to and did employ, use, persuade, induce, entice, and coerce Minor 1, then a resident of New Jersey and a minor female known to the grand jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit visual depictions of Minor 1 engaged in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, knowing or having reason to know that said visual depictions would be transported and transmitted using any means or facility of interstate and foreign commerce, and said visual depictions were transported and transmitted using any means and facility of interstate commerce and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT THREE

The grand jury further charges:

On or about May 31, 2018, in the Western District of Pennsylvania, the defendant MARKELL SMITH, did knowingly receive and attempt to receive a visual depiction, namely, visual depictions of Minor 1, then a resident of New Jersey and a minor female known to the grand jury, the production of which involved the use of a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and which depicted a minor engaging in sexually explicit conduct, from Minor 1, and said visual depictions were transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

COUNT FOUR

The grand jury further charges:

On or about November 8, 2019, in the Western District of Pennsylvania, the defendant, MARKELL SMITH, did knowingly possess visual depictions, namely, videos and images in computer graphic and digital files, the production of which involved the use of minors engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and which depict prepubescent minors and minors who have not attained 12 years of age engaging in sexually explicit conduct, all of which had been shipped and transported using any means or facility of interstate and foreign commerce, or were produced using materials which had been shipped and transported in interstate and foreign commerce, by any means, including by computer and the internet.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATION

1. Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given to defendant MARKELL SMITH that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Sections 2253 and 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction under Counts One through Four of this Indictment.

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of any of the offenses set forth in Count Two, in violation of Title 18, United States Code, Section 2251, and as set forth in Counts Three and Four, in violation of Title 18, United States Code, Section 2252, the defendant, MARKELL SMITH, shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, Section 2251, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

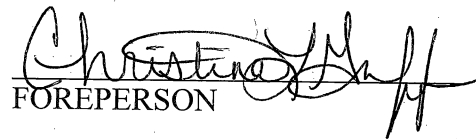
3. Pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), upon conviction of any of the offenses set forth in Count One of this Indictment, in violation of Title 18, United States Code, Section 875, the defendant, MARKELL SMITH, shall forfeit to the United States of America any property, real or personal, constituting or derived from proceeds traceable to a violation of Title 18, United States Code, Section 875.

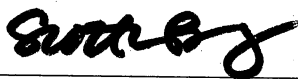
4. If any of the property described above, as a result of any act or omission of the defendant,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c).

A True Bill,


FOREPERSON



SCOTT W. BRADY
United States Attorney
PA ID No. 88352